

Regular Session, 2009

HOUSE BILL NO. 781

BY REPRESENTATIVES HINES, ABRAMSON, ARMES, AUBERT, BARRAS, BARROW, BILLIOT, BROSSETT, DANAHAY, DIXON, GISCLAIR, HENDERSON, HOWARD, GIROD JACKSON, ROSALIND JONES, KATZ, LAFONTA, PETERSON, RICHARD, RICHMOND, RITCHIE, GARY SMITH, ST. GERMAIN, STIAES, WADDELL, WILLIAMS, AND WILLMOTT AND SENATOR BROOME

**VETOED**  
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**Veto Message**

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 36:801(introductory paragraph) and to enact R.S. 36:474(H) and 478(L) and Chapter 62-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2811 and 2812, relative to the Louisiana Homeless Assistance and Prevention Act; to create the program for homeless assistance and prevention within the Department of Social Services; to provide for the position of a director for homeless assistance and prevention and to provide for his duties; to create the Louisiana Interagency Advisory Council for the Homeless and place it within the Department of Social Services; to provide for the council's purpose; to provide for membership; to provide for governance of the council and compensation of the members; to provide for staffing and facilities; to provide for reporting requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:801(introductory paragraph) is hereby amended and reenacted and R.S. 36:474(H) and 478(L) are hereby enacted to read as follows:

§474. Powers and duties of the secretary of the Department of Social Services

\* \* \*

H. The program for homeless prevention and assistance shall be placed in the executive office of the secretary. The secretary shall appoint a director, which position shall be responsible for and perform the services and functions of the state

1 relating to the program for homeless prevention and assistance as further provided  
2 in R.S. 46:2811.

3 \* \* \*

4 §478. Transfer of agencies and functions to Department of Social Services

5 \* \* \*

6 L. The Louisiana Interagency Advisory Council for the Homeless (R.S.  
7 46:2812) is transferred to and hereafter placed within the Department of Social  
8 Services and shall exercise and perform its powers, duties, functions, and  
9 responsibilities in the manner provided for agencies transferred in accordance with  
10 the provisions of R.S. 36:801.

11 \* \* \*

12 §801. Transfer; retention of functions

13 The agencies transferred by the provisions of R.S. 36:4.1(B), ~~R.S. 36:53(A),~~  
14 ~~R.S. 36:409(B), R.S. 36:459(D), R.S. 36:478(K)~~ and (L), ~~R.S. 36:509(K), R.S.~~  
15 ~~36:610(K), and R.S. 36:651(C)~~ shall continue to be composed and selected as  
16 provided by law; each agency shall continue to exercise all powers, duties, functions,  
17 and responsibilities provided or authorized for each by the constitution or laws which  
18 are in the nature of policymaking, rulemaking, licensing, regulation, enforcement,  
19 or adjudication and also shall continue to exercise all advisory powers, duties, and  
20 functions provided by law; each agency shall continue to administer and implement  
21 all programs provided or authorized for each by law which relate to rulemaking,  
22 licensing, regulation, enforcement, and adjudication; each agency shall continue to  
23 be governed by the Administrative Procedure Act, in its entirety, including  
24 provisions relative to adjudication proceedings, unless otherwise specifically  
25 provided by law; the executive head of each such agency shall employ, appoint,  
26 remove, assign, and promote such personnel as is necessary for the efficient  
27 administration of such powers, duties, functions, and responsibilities and for the  
28 administration and implementation of such programs, in accordance with applicable  
29 civil service laws, rules, and regulations, and with policies and rules of the  
30 department to which the agency is transferred, and subject to budgetary control and

1 applicable laws; except as specifically provided in Paragraphs (1), (2), and (3) ~~below~~  
2 of this Section. The agencies transferred as provided in this Section shall exercise  
3 the powers, duties, functions, and responsibilities and shall administer and  
4 implement the programs authorized in this Section independently of the secretary,  
5 the undersecretary, and any assistant secretary, except that:

6 \* \* \*

7 Section 2. Chapter 62-A of Title 46 of the Louisiana Revised Statutes of 1950,  
8 comprised of R.S. 46:2811 and 2812, is hereby enacted to read as follows:

9 CHAPTER 62-A. LOUISIANA HOMELESS ASSISTANCE

10 AND PREVENTION ACT

11 §2811. Office for homeless assistance and prevention; creation

12 A. There is hereby established within the Department of Social Services a  
13 program for homeless assistance and prevention.

14 B. The program shall be placed within the office of the secretary and shall  
15 be staffed by a director for homeless assistance and prevention, hereafter referred to  
16 as "director" and who shall be appointed by the secretary of the Department of Social  
17 Services. The director shall serve as the state's point person in combating  
18 homelessness and shall be tasked with:

19 (1) Advising the governor and legislature on policy to prevent and reduce  
20 homelessness in Louisiana.

21 (2) Working with applicable federal, state, and local agencies to ensure the  
22 proper implementation of policies to assist the prevention and reduction of  
23 homelessness.

24 (3) Working to increase as well as coordinate existing federal, state, and  
25 private resources for affordable housing throughout the state.

26 (4) Prioritizing and coordinating funding to implement support services for  
27 the homeless.

28 (5) Monitoring, assessing, and tracking Louisiana's ten-year plan to reduce  
29 homelessness and identifying strategies that have shown evidence to produce results  
30 in other states.

1                   (6) Working with local community leaders statewide to prevent and reduce  
2                   homelessness.

3                   C. The director shall meet at least quarterly with the Louisiana Interagency  
4                   Advisory Council for the Homeless as provided for in this Chapter and shall consider  
5                   its recommendations in the execution of his duties.

6                   §2812. Louisiana Interagency Advisory Council for the Homeless; creation

7                   A. There is hereby established the Louisiana Interagency Advisory Council  
8                   for the Homeless within the Department of Social Services, hereafter referred to as  
9                   "council", which shall exercise and perform its powers, duties, functions, and  
10                  responsibilities in the manner provided for agencies transferred in accordance with  
11                  the provisions of R.S. 36:801.

12                  B. The purpose of the council shall be to study evidence-based practices  
13                  aimed at reducing and preventing homelessness and to recommend a ten-year  
14                  comprehensive strategy to reduce homelessness. The council shall work closely with  
15                  the director to implement the recommendations for the ten-year strategy.

16                  C. The council shall be composed of the following members:

17                   (1) The secretary of the Department of Social Services or his designee.

18                   (2) The secretary of the Louisiana Workforce Commission or his designee.

19                   (3) The secretary of the Department of Health and Hospitals or his designee.

20                   (4) The secretary of the Department of Economic Development or his  
21                   designee.

22                   (5) The superintendent of the Department of Education or his designee.

23                   (6) The speaker of the House of Representatives or his designee.

24                   (7) The president of the Senate or his designee.

25                   (8) The president of the Louisiana Housing Finance Agency or his designee.

26                   (9) Two representatives of local government agencies.

27                   (10) Two representatives of local advocacy groups for populations which are  
28                   affected by homelessness.

29                   (11) Five representatives of providers of services to the homeless.

1                   D. Members of the council shall be appointed by the governor upon the  
2                   recommendation of the director and shall serve for three-year terms. As near as  
3                   practicable, members of the council shall be representative of the diversity of the  
4                   targeted communities and shall have a proven track record in addressing the  
5                   challenges of affordable housing.

6                   E. Members of the council shall serve without compensation.

7                   F. The council shall adopt such rules and procedures as it shall find  
8                   necessary for the conduct of the activities and meetings of the council. No action  
9                   shall be taken by the council except by a favorable vote of a majority of the  
10                  members.

11                  G. The Department of Social Services shall provide the staff and facilities  
12                  needed by the council to accomplish its tasks.

13                  H. The council shall meet at least quarterly with the director to present  
14                  current findings and recommendations for reducing and preventing homelessness.  
15                  The council shall work with the director to summarize these findings in a report to  
16                  be submitted annually no later than February first to the governor, the speaker of the  
17                  House of Representatives, the president of the Senate, the chair of the House  
18                  Committee on Health and Welfare, and the chair of the Senate Committee on Health  
19                  and Welfare. Each annual report should discuss Louisiana's ten-year strategy to  
20                  reduce homelessness, the progress the state has made in implementing the ten-year  
21                  strategy, and recommendations for the following year. The director shall then work  
22                  with the council, the office of the governor, and the legislature to implement the  
23                  findings and recommendations of each annual report.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

## VETO MESSAGE

House Bill No. 781 by Representative Hines creates an executive level position within the Department of Social Services and an “Interagency Advisory Council” to provide certain services and study ways to prevent and reduce homelessness. While I support the goals of this legislation, I am concerned about the five-year fiscal note of \$656,841. I would prefer that the agency address these objectives with existing resources.

For this reason, I have vetoed House Bill No. 781 and hereby return it to the House of Representatives.